

FILED
U.S. DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS
2003 DEC 18 P 1:02

RECEIPT # _____
AMOUNT \$ _____
SUMMONS ISSUED 1
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. 28
DATE 12-19-03

FRANK SACO
Plaintiff

U.S. DISTRICT COURT
DISTRICT OF MASS.
C.A. No.:

v.

COMPLAINT

TUG TUCANA and
TUG TUCANA CORPORATION
Defendants

03 12551 NG

MAGISTRATE JUDGE Bowles

THE PARTIES

1. The plaintiff, **FRANK SACO**, resides in Manchester, Massachusetts and at all times hereinafter referred to, was serving as a member of the crew of the TUG TUCANA.
2. The defendant, TUG TUCANA Corporation, is a duly organized corporation existing under the laws of the Commonwealth of Massachusetts, and at all times hereinafter referred to, owned, operated and controlled the TUG TUCANA and employed the plaintiff.

JURISDICTION

This is a case of maritime jurisdiction pursuant to 28 U.S.C. 1333(1).

FACTUAL ALLEGATIONS

3. On or about April 13, 2003, the plaintiff was in the employ of the defendant as a seaman and member of the crew of the TUG TUCANA. While the TUG TUCANA was in navigable waters and while the plaintiff was in the exercise of due care and in the performance of his duties, he sustained severe and

painful personal injuries.

COUNT I
(Jones Act)

4. Paragraphs 1-3 are realleged and incorporated herein.

5. The injuries sustained by the plaintiff were not caused by any fault on his part, but were caused by the fault of the defendant, its agents, or servants, as follows:

- a) Failure to use due care to provide and maintain a seaworthy vessel with safe and proper appliances;
- b) Failure to use due care to make reasonable and periodic inspection of said vessel, its equipment and appliances;
- c) Failure to use due care to furnish the plaintiff with a reasonably safe place in which to perform his work;
- d) Failure and negligence of fellow employees;
- e) Failure and negligence in other respects that will be shown at the trial.

6. As a result of the said injuries, the plaintiff has suffered great pain of body and anguish of mind, lost a great deal of time from his usual work, incurred medical and hospital expenses, and has suffered and will suffer other damages as will be shown at the trial.

7. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act, 46 App. § 688.

REQUEST FOR RELIEF

1. Under Count I, that this court enter judgment in favor of the plaintiff against the defendant.
2. For such other relief as this court deems appropriate.

COUNT II
GENERAL MARITIME LAW
(Unseaworthiness)

8. Paragraphs 1-7 are realleged and incorporated herein.
9. The injuries sustained by the plaintiff were due to no fault of his, but were caused by the unseaworthiness of the defendant's vessel, its appliances, appurtenances, and equipment.
10. As a result of the said injuries, plaintiff has suffered great pain of body and anguish of mind, lost a great deal of time from his usual work, incurred medical and hospital expenses, and has suffered and will continue to suffer other damages as will be shown at trial.
11. This cause of action is brought under the General Maritime Law based upon unseaworthiness and is for the same cause of action as Count I.

REQUEST FOR RELIEF

1. Under Count II, that this court enter judgment in favor of the plaintiff against the defendant.
2. For such other relief as this court deems appropriate.

COUNT III
(Maintenance and Cure)

12. Paragraphs 1-11 are realleged and incorporated herein.
13. As a result of his injuries, the plaintiff incurred expenses for his

maintenance and cure and will continue to do so all to his damage.


REQUEST FOR RELIEF

1. Under Count III, that this court enter judgment in favor of the plaintiff against the defendant.

2. For such other relief as this court deems appropriate.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS.

Respectfully submitted
by his attorney,



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Dated: December 16, 2003